

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA; the States of CALIFORNIA, COLORADO, CONNECTICUT, DELAWARE, FLORIDA, GEORGIA, HAWAII, ILLINOIS, INDIANA, LOUISIANA, MARYLAND, MASSACHUSETTS, MICHIGAN, MINNESOTA, MONTANA, NEVADA, NEW HAMPSHIRE, NEW JERSEY, NEW MEXICO, NEW YORK, NORTH CAROLINA, OKLAHOMA, RHODE ISLAND, TENNESSEE, TEXAS, VIRGINIA, WISCONSIN; the DISTRICT OF COLUMBIA, the CITY OF CHICAGO, and the CITY OF NEW YORK, *ex rel.* OSWALD BILOTTA,

Plaintiffs,

-against-

NOVARTIS PHARMACEUTICALS CORPORATION,

Defendant.

11 CIV. 0071 (PGG)

**NOTICE OF MOTION TO
DISMISS COMPLAINT IN
INTERVENTION OF THE STATE
OF NEW YORK**

PLEASE TAKE NOTICE that, upon the Complaint in Intervention of the State of New York filed August 26, 2013, the accompanying Memorandum of Law and the supporting declaration of Nina M. Dillon, executed October 24, 2013, with exhibits thereto, Defendant Novartis Pharmaceuticals Corporation hereby moves this Court before the Honorable Paul G. Gardephe, United States District Court, Southern District of New York, 40 Foley Square, New York, New York, for an order, pursuant to Federal Rules of Civil Procedure 12(b)(6) and 9(b), dismissing the Complaint in Intervention of the State of New York, and granting such other and further relief as the Court deems just and proper.

Dated: October 24, 2013

CRAVATH, SWAINE & MOORE LLP,

by

s/ Rachel G. Skaistis

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